

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

SECOND SET OF INFORMATION REQUESTS OF
SHREWSBURY'S ELECTRIC LIGHT PLANT
TO FIBER TECHNOLOGIES NETWORKS, LLC

D.T.E. 01-70

Pursuant to 220 C.M.R. 1.06(b)(c), Shrewsbury's Electric Light Plant ("SELP") submits to Fiber Technologies Networks, LLC ("Fibertech") the following information requests.

INSTRUCTIONS AND DEFINITIONS

The instructions and definitions contained in SELP's First Set of Information Requests shall apply to this Second Set of Information Requests, with the following addition:

In responding to any information request seeking a lease, contract or agreement, Fibertech may redact portions of the lease, contract or agreement that are competitively sensitive. (In setting out this instruction, SELP also wishes to express its willingness to execute a reasonable non-disclosure agreement with respect to production of these documents.)

INFORMATION REQUESTS

- SELP 2-1 Please provide a detailed description of all dockets in state and federal courts, in which Mr. Lundquist has testified or qualified as an expert witness in the last five years. For each such docket, please provide the case name, the docket number, a description of the matter at issue in the case, the party for which Mr. Lundquist testified, the subject matter and purpose of the testimony, any prefiled testimony, expert report or exhibits prepared by or for Mr. Lundquist in the case, and a copy of the final decision or order in the case.
- SELP 2-2 (a) Please indicate whether Mr. Lundquist has testified or otherwise appeared in any state regulatory proceeding regarding pole attachments.
- (b) If the answer to question (a) is yes, for each such proceeding in which Mr. Lundquist has testified or appeared in the last five years, please provide the name of the agency before which Mr. Lundquist testified or appeared, the case name, the case docket number, a description of the particular matter at issue in the case, the party for which Mr. Lundquist testified, the subject matter and purpose of the testimony, any prefiled testimony or exhibits prepared by or for Mr. Lundquist in the case, and a copy of the final decision or order in the case.

- SELP 2-3 (a) Please indicate whether Mr. Lundquist has any experience drafting, negotiating or reviewing pole attachment agreements.
- (b) If the answer to question (a) is yes, please provide a detailed description of the nature of that experience.
- SELP 2-4 Please provide copies of all presentations, publications, reports or papers authored by Mr. Lundquist which address pole attachments under federal or state laws.
- SELP 2-5 Please provide copies of each Federal Communications Commission order or decision referred to in Mr. Lundquist's pre-filed testimony in this proceeding.
- SELP 2-6 Please provide a copy of Choice One's "Master Facilities Agreement" with Fibertech referred to on page 20 (starting at line 12) of Mr. Lundquist's testimony.
- SELP 2-7 Please refer to Mr. Chiaino's testimony at page 3. For each area in New York in which Fibertech has a "completed network", please
- (a) provide a description of that network (length, transmission capabilities, capacity levels);
 - (b) when construction was completed;
 - (c) whether the fiber has been "lit" (and, if so, how, how much, when, and by whom);
 - (d) a list of customers on the completed network;
 - (e) whether all or any part of the completed network has been or currently is leased (and, if so, the date of the lease, the name of lessee and a description of the lease terms); and
 - (f) whether any portion of the completed network has been sold (and, if so, a description of the sale, the name of the purchaser and the date of the sale).
- SELP 2-8 Please refer to Mr. Chiaino's testimony at page 3. With respect to the partially completed networks in Hartford and Pittsburgh, please
- (a) provide a description of that network (length, transmission capabilities, capacity levels);
 - (b) when construction was completed;

- (c) whether the fiber has been “lit” (and, if so, how, how much, when, and by whom);
- (d) a list of customers on the completed network;
- (e) whether all or any part of the completed network has been or currently is leased (and, if so, the date of the lease, the name of lessee and a description of the lease terms); and
- (f) whether any portion of the completed network has been sold (and, if so, a description of the sale, the name of the purchaser and the date of the sale).

SELP 2-9 Please refer to Mr. Chiaino’s testimony at page 3. With respect to the construction described as “networks in progress”, please

- (a) provide a description of the status of construction of that network, a description of the current plans for that network when completed (length, transmission capabilities, capacity levels);
- (b) when construction is estimated to be completed; whether any fiber has been “lit” (and, if so, how, how much, when, and by whom);
- (c) a list of customers or potential customers who have executed agreements with respect to these “networks in progress”;
- (d) whether all or any part of the yet to be completed network is subject to a lease or other agreement (and, if so, the date of the lease or agreement, the name of lessee or party signing the agreement), and
- (e) a description of the lease or agreement terms, and whether any portion of the to be completed network has been sold or optioned (and, if so, a description of the sale or option, the name of the purchaser and the date of the sale or option).

SELP 2-10 Please refer to Mr. Chiaino’s testimony at page 4. To the extent not otherwise explained in Fibertech’s response to Information Request 2-7 through 2-9, above,

- (a) please list and describe all “customers on all four networks” in New York, including, at a minimum, a description of the nature of the service provided to each customer, whether the dark fiber associated with this customer has been lit and, if so, how, how much, when, and by whom, and

- (b) please list all customers associated with the completed portions of the Hartford and Pittsburgh networks, including, at a minimum, a description of the nature of the service provided to each customer, whether the dark fiber associated with this customer has been lit and, if so, how, how much, when, and by whom.

SELP 2-11 Referring again to Mr. Chiaino's testimony at page 4, if the answers to Information Requests 2-7 through 2-10, above, indicate that Fibertech has no customers on its Hartford and Pittsburgh networks, please explain how Fibertech is "providing service over the completed portions of the Hartford and Pittsburgh networks."

SELP 2-12 Please refer again to Mr. Chiaino's testimony at page 4. Please provide copies of Fibertech's agreements with Choice One, AT&T, Qwest, Allegiance, CTC, Global Crossings, Connecticut Telephone, and the State of Connecticut

SELP 2-13 Please describe how the letter referred to at page 6, line 16 of Mr. Chiaino's testimony is relevant to the questions in this proceeding, *i.e.*, whether Fibertech is a "licensee" and its fiber is an "attachment" within the meaning of G.L. c. 166, § 25A and 220 C.M.R. 45.02 (See Hearing Officer Ruling dated October 16, 2001).

SELP 2-14 Please refer to Mr. Chiaino's testimony at page 7.

- (a) Please confirm that "the normal pattern for Fibertech in other locations" with respect to access to poles, conduits, and rights of way, as described on lines 18 through 22, is not required by Federal or Massachusetts law or regulations.
- (b) Please define the term "private sector agreements" as used in line 22. Please explain whether an agreement with SELP would qualify as a "private sector agreement," and why.

SELP 2-15 Please refer to page 8, line 19 of Mr. Chiaino's testimony.

- (a) Please define "incumbents."
- (b) Is it Fibertech's position that SELP is such an "incumbent?"
- (c) If your answer to the preceding question is in the affirmative, how does this relate to a pole attachment dispute under 220 C.M.R. 45.00?